



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3501 FAX (603) 271-6683



Robert Ploettner  
P.O. Box 174  
Springfield, NH 03284

Re: 122-126 East Main Street, Bradford,  
NH

**ADMINISTRATIVE ORDER  
No. WD 02-19**

June 1, 2002

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Water Division to Robert Ploettner pursuant to RSA 485-A:42, I. This Administrative Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. Robert Ploettner is an individual having a mailing address of P.O. Box 174, Springfield, NH 03284

**C. STATEMENTS OF FACTS AND LAW**

1. RSA 485-A:29-44 authorizes DES to regulate the subdivision of land and the construction, maintenance, and repair/replacement of individual subsurface sewage disposal systems ("septic systems"). Pursuant to RSA 485-A:41, the Commissioner of DES has adopted NH Admin. Rules Env-Ws 1000 to implement this program.
2. Mr. Ploettner is the owner of property located on 122-126 East Main Street, Bradford, NH, and more particularly described in Town of Bradford Tax Map 17 as Lot 7 ("the Property"). The Property contains Bowie's Market, a commercial market.
3. Env-Ws 1003.10(e) requires owners of commercial buildings to submit plans for replacement of septic systems serving those structures to DES for review and approval prior to replacing those systems.
4. On May 2, 2002, DES personnel observed that the septic system on the Property had been repaired or replaced.
5. A review of DES records revealed that no plans for a new system on the Property had been submitted to DES for approval prior to the replacement/repair of the system on the Property.

**D. DETERMINATION OF VIOLATIONS**

1. Robert Ploettner has violated RSA 485-A:29 and Env-Ws 1003.10(e) by repairing or replacing a septic system serving a commercial building without having submitted plans for the system to DES for review and approval prior to installing the system.

### E. ORDER

Based on the above findings, DES hereby orders Mr. Ploettner as follows.

1. By June 30, 2002, submit design plans to DES for review and approval, prepared by a licensed septic system designer, for the replacement septic system serving the Property.
2. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Richard J. de Seve, Compliance Supervisor  
Subsurface Systems Bureau  
DES Water Division  
6 Hazen Drive  
Concord, NH 03301 Fax: (603) 271-6683  
e-mail: rdeseve@des.state.nh.us

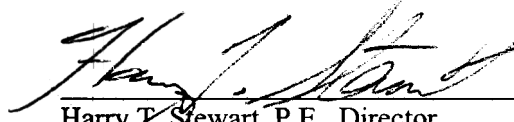
### F. APPEAL


Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Mr. Ploettner of the obligation to comply with the Order.

### G. OTHER PROVISIONS

Please note that RSA 485-A:43 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself.

This Order is being recorded in the Merrimack County Registry of Deeds so as to run with the land.

  
Harry T. Stewart, P.E., Director  
Water Division

  
George Dana Bisbee, Assistant Commissioner 473

Certified Mail/RRR: 7099 3400 0003 0695 8746

cc: Gretchen Rule, DES Legal Unit ✓  
Public Information Officer, DES PIP Office  
NH AGO  
Town of Bradford Board of Selectmen  
Carey R. Rodd, M.D., Town of Bradford Health Officer